



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: May 29, 2003

Expiration Date: June 30, 2003

Corps of Engineers Action ID: 200200579

Oregon Division of State Lands Number: 25788-RF

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Mary J. Headley)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: La Grande Ranger District
3502 highway 30
La Grande, Oregon 97850

Location: McIntyre Creek, near Starkey, Union County, Oregon, Section 2, 4, 5, 8, 9, 16, 20, 21, 27, Township 3 South, Range 35 East,

Project Purpose and Need: The McIntyre Creek Road was constructed in the 1950's and is located immediately adjacent to McIntyre Creek, within the floodplain. The road prism has constricted the channel and floodplain resulting in high bedload, poor fish habitat, poor water quality, degraded riparian area, reduced sinuosity, reduced ability of stream-floodplain interaction, and has led to an incised stream channel. As a result, McIntyre Creek has low habitat diversity and complexity, high level of sediment, and low amount of stream shade. The purpose of the project is to increase fish habitat diversity and complexity for summer steelhead juvenile rearing and adult spawning and holding areas, reduce sediment loads occurring in McIntyre Creek, restore floodplain and riparian function, restore habitat, and improve water quality.

Project Description: The project proposal involves obliteration of a 3-mile road, and restoration of the area to pre-road conditions. Approximately 1.3 miles of displaced channel would be relocated into a 'near-historic' stream channel location. Large wood and boulders would be installed at 50 sites within this new channel reach for grade control (upstream V-Rock weirs), to encourage streambank stability, and improve habitat.

Also, large wood would be installed at 25 locations within the 2-mile stream reach upstream of the 'new' channel. Large wood will be placed to stabilize stream banks, provide cover in existing pools, sort gravels, and provide structure for pool formation.

In addition, four springs, associated wetlands, and intermittent streams have been identified immediately adjacent to project activities. Of these, one intermittent stream, approximately 100 feet in length, will be plugged and filled at its confluence with the 'new' McIntyre Creek channel (see sheet 4). The others will be avoided during construction.

Under this proposal, the total impact would be approximately 2.4 acres, involving the discharge of approximately 16,000 cubic yards of fill or dredged materials within waters of the United States.

Drawings: Six (6) Sheets identified as *La Grande Ranger District, McIntyre Creek Restoration, COE No 200200579*

Additional Information: Additional information may be obtained from Ms. Mary J. Headley, Project Manager, U.S. Army Corps of Engineers at (503) 808-4392.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

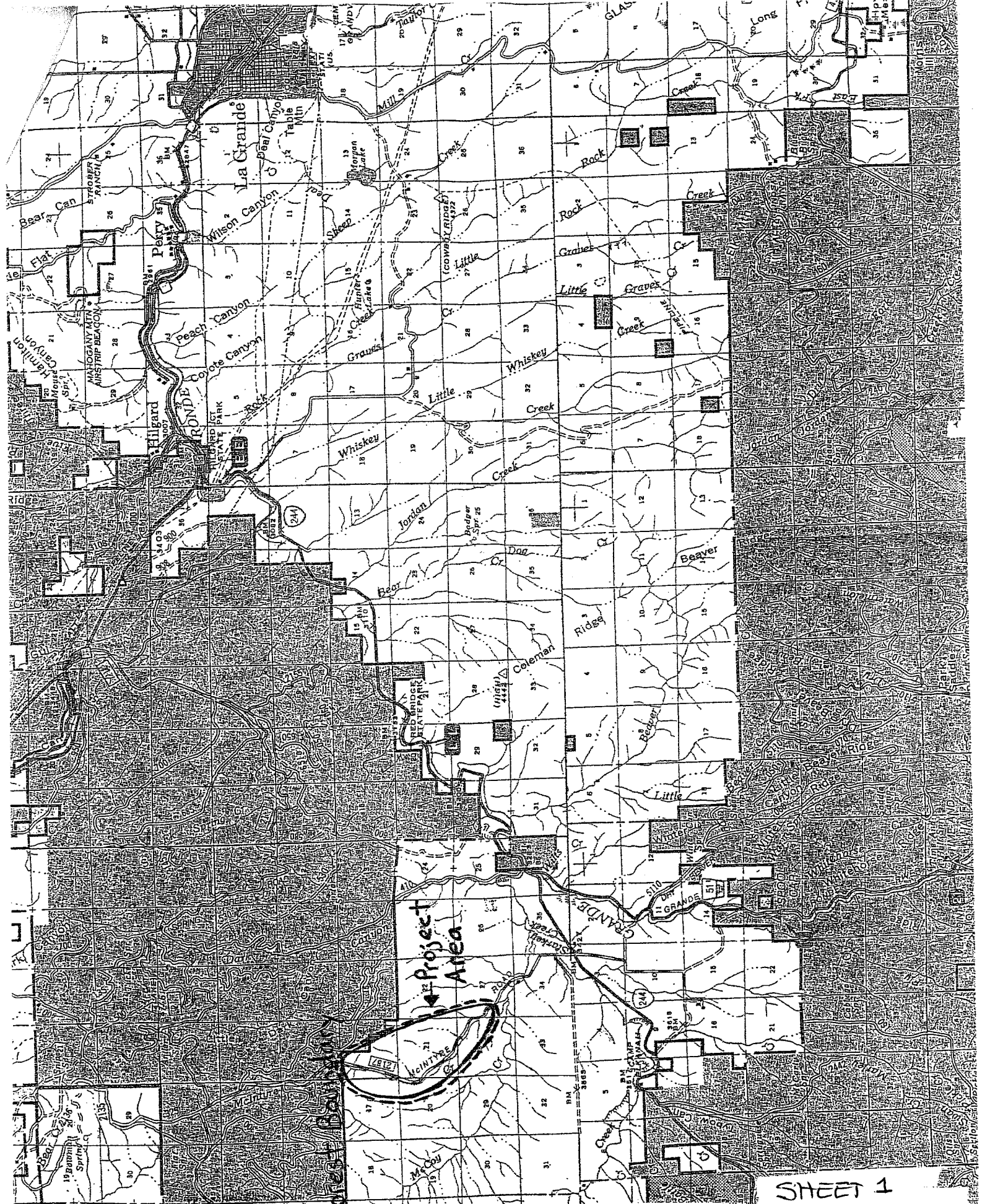
Cultural Resources: An inventory of the project site was completed by the US Department of Agriculture (USDA). Property, which may be eligible for inclusion in the National Register of Historic Places, was identified. It is anticipated that the USDA will complete consultation, in compliance with Section 106 of the National Historic Preservation Act, prior to the Corps

completion of the permit evaluation. The Corps public notice has been provided to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

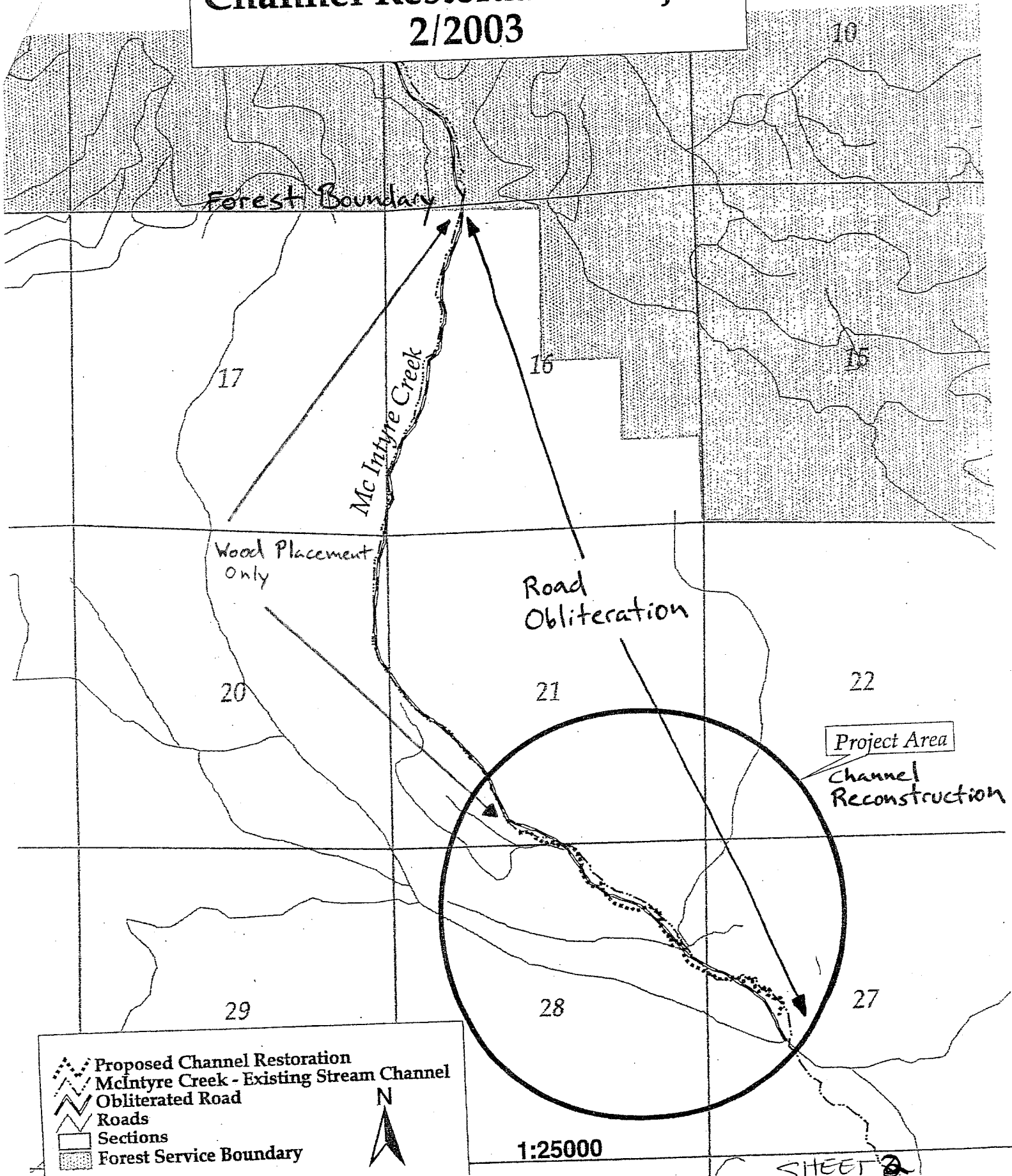
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.



La Grande Ranger District, McIntyre Creek Restoration,
COE No 200200579

McIntyre Creek Channel Restoration Project 2/2003



Proposed Channel Restoration

McIntyre Creek - Existing Stream Channel

Obliterated Road

Roads

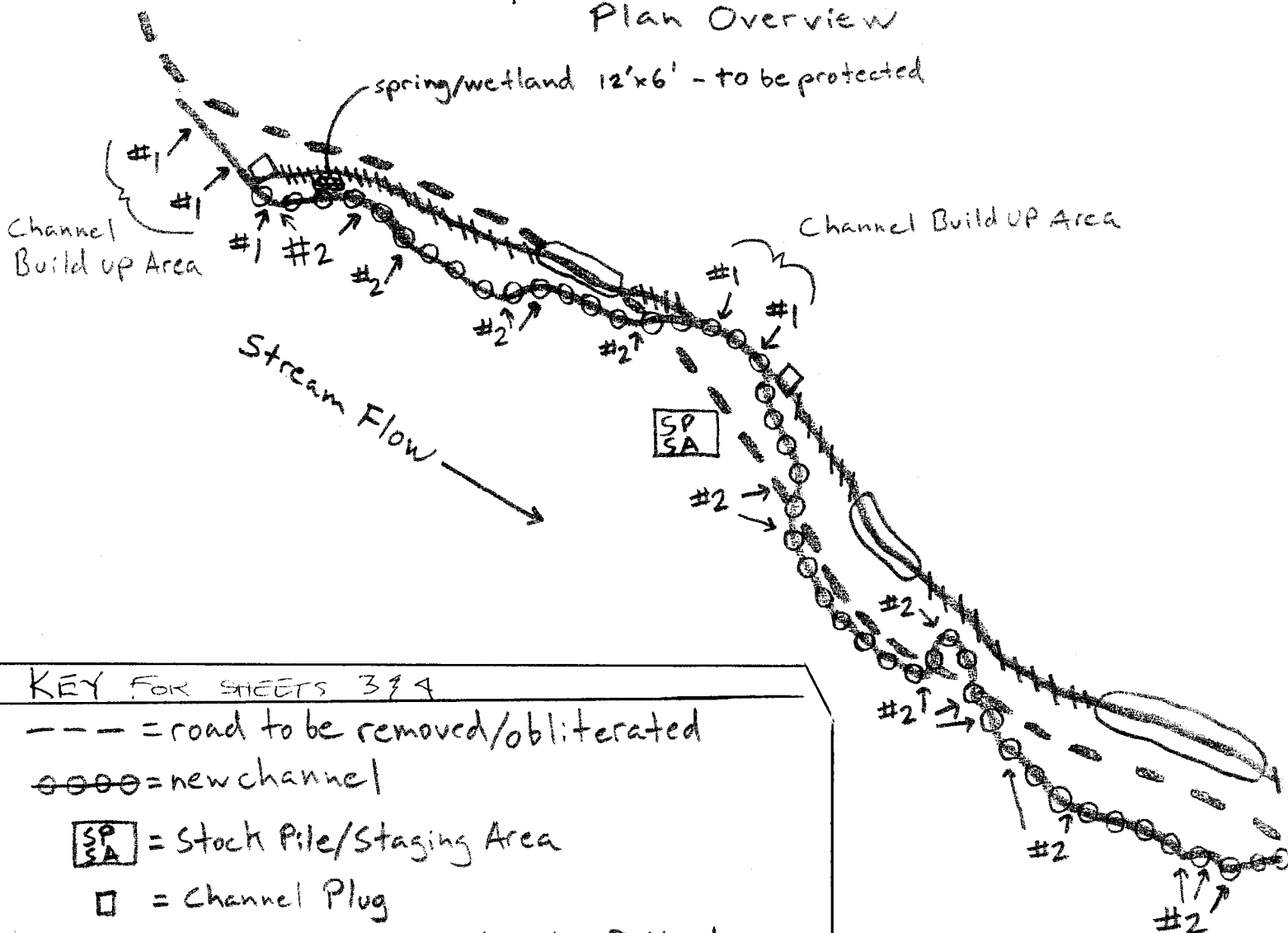
Sections

Forest Service Boundary

N

M-Intyre Creek Channel Restoration Plan Overview

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KEY FOR SHEETS 3 & 4

--- = road to be removed/obliterated

⊙⊙⊙ = new channel

SP
SA = Stock Pile/Staging Area

□ = Channel Plug

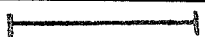
= existing channel to be filled

⊖ = existing channel to not be filled

#1 = upstream "V" rock weir for grade control

#2 = large wood placement sites

SCALE FOR SHEETS 3 & 4



1 inch = 350 feet

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SHEET 4

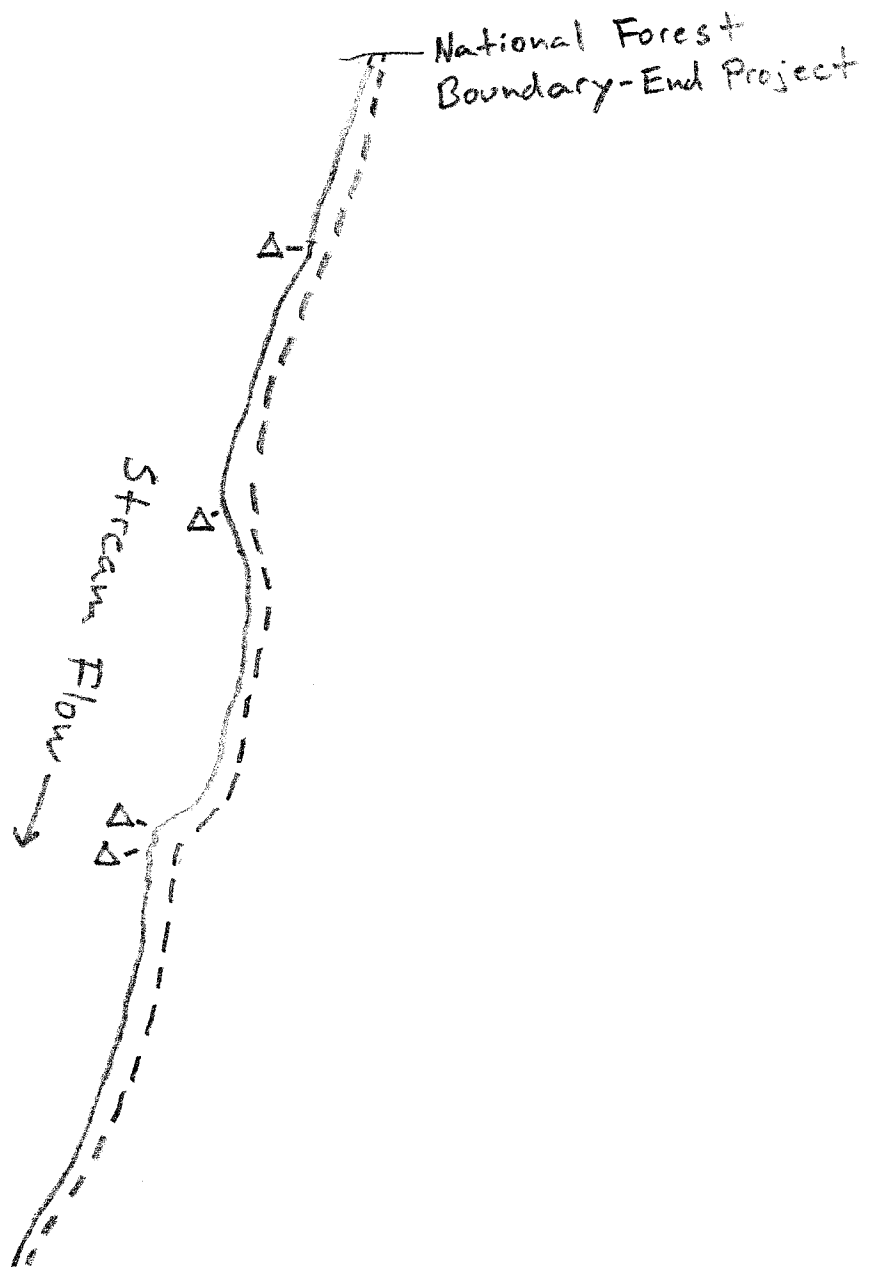
McIntyre Creek Wood Placement and Road Removal Page 1

KEY FOR SHEETS 546

- McIntyre Creek
- Road to be removed/obliterated
- △ Wood Placement Sites

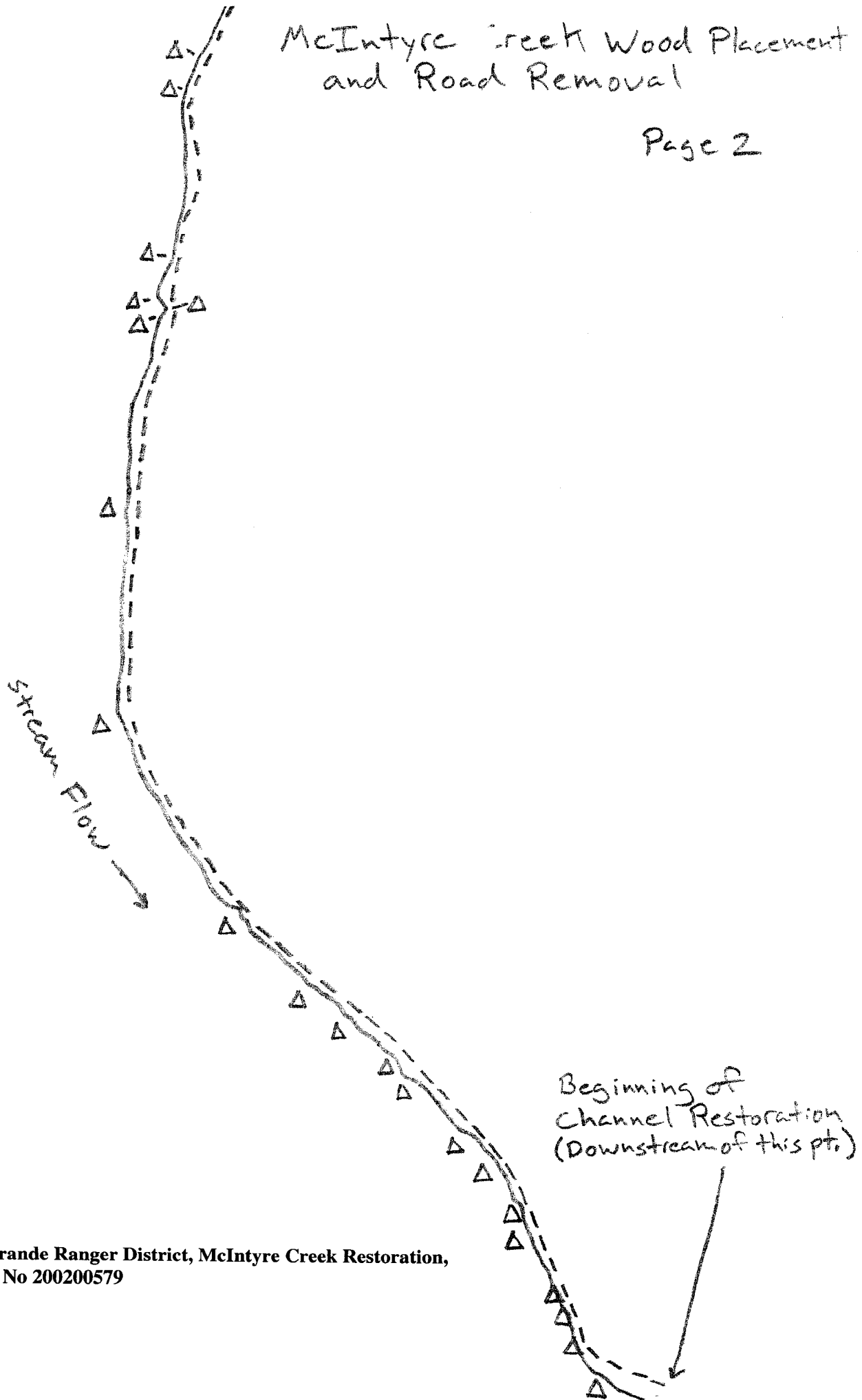
SCALE FOR SHEETS 546

1 inch = 587 feet



McIntyre Creek Wood Placement and Road Removal

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La Grande Ranger District, McIntyre Creek Restoration,
COE No 200200579

SHEET 6

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200200579
Oregon Division of State Lands Number: 25788-RF

Notice Issued: May 29, 2003
Written Comments Due: June 30, 2003

WHO IS THE APPLICANT: La Grande Ranger District

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project
NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.